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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,817	02/10/2004	David Paul Yach	1578.115 (11428-4-US-PAT)	8167
44298	7590	06/04/2009	EXAMINER	
DOCKET CLERK PO BOX 12608 DALLAS, TX 75225			JOHNSON, JOHNESE T	
			ART UNIT	PAPER NUMBER
			2166	
			NOTIFICATION DATE	DELIVERY MODE
			06/04/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket.clerk@kelly-krause.com

Office Action Summary

Application No.

10/775,817

Applicant(s)

YACH ET AL.

Examiner

Johnese Johnson

Art Unit

2166

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-12, 14-18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-12, 14-18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Remarks

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 1, 2008 has been entered.
2. In response to the Amendment filed on May 1, 2008, claims 1, 3-12, 14-18 and 20 are pending in this application.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-12, 14-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Multer et al. (US PG. Pub. No. 2001/0044805) and in view of Cha et al. (US PG. Pub. No. 2002/0116404).

As to claims 1 and 12, Multer et al. disclose:

a first change list creator embodied at the selected one of the network-copy database and mobile-copy database, said first change list creator **configured to create** a first change list that lists indicia of each change made to one of the network-copy database and mobile-copy database during a selected time period during which one of the network-copy database and the mobile-copy database are changed (see paragraphs [0111], [0063], lines 39-41 and [0009], [0082], [0086], and [0095]);

a first change-list lock that prohibits changes to the first change list created by said first change list creator, said first change list lock **configured to lock** to the first change list, **thereby to prohibit changes to the first change list upon** commencement of a synchronization process (see paragraph [0202]; wherein locking is performed before synchronization is initiated) which synchronizes the network, copy database to the mobile copy of the database, **the selected time period defined by locking of the first change list by said first change-list lock** (see paragraph [0212], lines 1-2; wherein the locks prevent changes during synchronization and paragraph [0224]; wherein locks are initiated so that no changes may be made during synchronization); and the first change list identification being communicated over a radio air interface separately from the first change list (see paragraph [0006]; wherein the data is communicated wirelessly, i.e., over the air).

However, Multer et al. do not explicitly disclose:

a change list identifier, which assigns to the first change list, a first change list identification that uniquely identifies the first change list from other change lists created by the first change list

creator, the first change list identification being assigned to the first change list after the change list identifier's receipt of a signal indicating that the network-copy database and the mobile-copy database are to be synchronized.

Cha et al. disclose:

a change list identifier, which assigns to the first change list, a first change list identification that uniquely identifies the first change list from other change lists created by the first change list creator, the first change list identification being assigned to the first change list after the change list identifier's receipt of a signal indicating that the network-copy database and the mobile-copy database are to be synchronized (see paragraph [0035], lines 1-6).

It would have been obvious, at the time of the invention, having teachings of Multer et al., and Cha et al. before him/her, to combine the features as disclosed by Multer et al. with the features as disclosed by Cha et al. to provide an efficient logging scheme that can be used to recover a transaction processing system after a failure occurs (see Cha et al., paragraph [0014]).

As to claims 3 and 14, Multer et al. do not explicitly disclose:

wherein the identification associated by said change list indicator with the first change list created by said first change list creator comprises a numerical value.

However, Cha et al. disclose:

wherein the identification associated by said change list indicator with the first change list created by said first change list creator comprises a numerical value (see paragraph [0035], line 6).

It would have been obvious, at the time of the invention, having teachings of Multer et al., and Cha et al. before him/her, to combine the features as disclosed by Multer et al. with the features as disclosed by Cha et al. to provide an efficient logging scheme that can be used to recover a transaction processing system after a failure occurs (see Cha et al., paragraph [0014]).

As to claims 4 and 15, Multer et al. do not explicitly disclose:
wherein the numerical value associated by said change list indicator with the first change list uniquely identifies the first change list

However, Cha et al. disclose:
wherein the numerical value associated by said change list indicator with the first change list uniquely identifies the first change list (see paragraph [0035], lines 1-6) .

It would have been obvious, at the time of the invention, having teachings of Multer et al., and Cha et al. before him/her, to combine the features as disclosed by Multer et al. with the features as disclosed by Cha et al. to provide an efficient logging scheme that can be used to recover a transaction processing system after a failure occurs (see Cha et al., paragraph [0014]).

As to claims 5 and 16, Multer et al. do not explicitly disclose:
further comprising a register for storing (“for storing” which is interpreted as intended use in light of MPEP 2106 [II-C] and should be changed to “to storing”) a prior-associated value previously associated with a previously-generated change list formed prior to a prior

synchronization session, and wherein the identity value used by said change list indicator is incrementally related to the prior-associated value.

However, Cha et al. disclose:

further comprising a register for storing (“for storing” which is interpreted as intended use in light of MPEP 2106 [II-C] and should be changed to “to storing”) a prior-associated value previously associated with a previously-generated change list formed prior to a prior synchronization session, and wherein the identity value used by said change list indicator is incrementally related to the prior-associated value (see paragraph [0035], line 6 and [0051], lines 12-16).

It would have been obvious, at the time of the invention, having teachings of Multer et al., and Cha et al. before him/her, to combine the features as disclosed by Multer et al. with the features as disclosed by Cha et al. to provide an efficient logging scheme that can be used to recover a transaction processing system after a failure occurs (see Cha et al., paragraph [0014]).

As to claims 6 and 17, Multer et al. do not explicitly disclose:

wherein said change list indicator increments the prior-associated value by an integer value to form the identification value.

However, Cha et al. disclose:

wherein said change list indicator increments the prior-associated value by an integer value to form the identification value (see paragraph [0057]).

It would have been obvious, at the time of the invention, having teachings of

Multer et al., and Cha et al. before him/her, to combine the features as disclosed by Multer et al. with the features as disclosed by Cha et al. to provide an efficient logging scheme that can be used to recover a transaction processing system after a failure occurs (see Cha et al., paragraph [0014]).

As to claims 7 and 18, Multer et al., as modified, disclose:

wherein a database synchronization session commences and said first change-list lock locks the first change list when selection is made to send the first change list between the mobile node and the network part (see Multer et al. paragraphs [0009] – database sync., [0212], line 2, and [0020] 6-7; wherein the selected log is received).

As to claim 8, Multer et al., as modified, disclose:

wherein session state information is communicated between the mobile node and the network part upon commencement of a database synchronization session and wherein the identification formed by said change list identifier forms part of the session state information (see Multer et al., paragraph [0212], lines 1-2; wherein the session state information discloses identifies which log is locked and/ or being updated).

As to claims 9 and 20, Multer et al., as modified, disclose:

wherein, once locked by said first change-list lock, the first change list created by said first change list creator remains locked while at least one change indicia is contained in the first

change list (see Multer et al., paragraph [0212], lines 2-3- locked during continuation of synchronization).

As to claim 10, Multer et al. disclose:

wherein the change indicia contained in the first change list created by said change list creator comprises new-record indicia representative of at least a first record added to the selected one of the network-copy database and mobile-copy database (see Multer et al. paragraph [0124], lines 11-13).

As to claim 11, Multer et al. disclose:

wherein the change indicia contained in the first change list created by said change list creator comprises altered record indicia representative of at least a first change (see Multer et al. paragraph [0046]).

Response to Arguments

5. Applicant's arguments filed May 1, 2008 have been fully considered but they are not persuasive.

Applicant's arguments that "Multer and Cha fail to disclose a change-list lock, or analogous operation", "a definition of a selected time period", nor "synchronization of a network-copy database and a mobile-copy database" is acknowledged but not persuasive.

In paragraphs 202, 224, and 227, Multer discloses using locking to prohibit access for read and write operations that could potentially occur at the same time. Because the locks are being deployed during synchronization (during which updates or changes are made to specific devices), the locks are interpreted as change locks or change list (list being interpreted as specific) locks.

As to applicants arguments that “a definition of a selected time period” is not found in Multer, the examiner begs to differ. Although these words are not explicitly recited, in paragraphs 227 and 232 of Multer, the locks are released when the deltas or “changes” have been uploaded/ committed/ finished. This period is the selected period of time during which locks will be maintained and then released.

Lastly, applicant argues that “synchronization of a network-copy database and a mobile-copy database” is unfounded . The examiner disagrees in that Multer is cited as disclosing this element in paragraph 63, wherein synchronizing a network database with a cellular device, etc. is recited. As for Cha, he is cited for disclosing, a change list identifier being assigned after receipt of a signal that copies are to be synchronized (see paragraph 35, lines 1-6).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnese Johnson whose telephone number is 571-270-1097. The examiner can normally be reached on 4/5/9.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. J./
Examiner, Art Unit 2166

May 28, 2009
JJ

/Hosain T Alam/
Supervisory Patent Examiner, Art Unit 2166

